

# STSJ Overseas Telephone Company, Inc.

February 29, 2008

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington DC, 20554

RE: STSJ Overseas Telephone Company, Inc., CPNI Compliance Certifications EB Docket # 06-36

Dear Ms. Dortch:

On behalf of STSJ Overseas Telephone Company, Inc., and pursuant to 47 C.F.R. Section 64.2009 (e), enclosed is the Companies 2007 CPNI Certification.

Very yours truly,



Theresa A. Walker  
Paralegal

Enclosures

cc: Enforcement Bureau Telecommunications Consumer Division (2 copies)  
Best Copy and Printing, Inc. (via email)

**Annual 47 C.F.R. § 64.2009(e) CPNI Certification**

**EB DOCKET 06-36**

Annual 64.2009(e) CPNI Certification for 2007

Date filed: March 1, 2008

Name of company covered by this certification: STSJ Overseas Telephone Company, Inc.

Form 499 Filer ID: 808678


Name of signatory: DG Gulati

Title of signatory: President

I, DG Gulati, certify that I am an officer of the company named above, and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Federal Communications Commission's ("Commission's") CPNI rules. *See* 47 C.F.R. § 64.2001 *et seq.*

Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements set forth in section 64.2001 *et seq.* of the Commission's rules. As reflected in **Exhibit A**, the company has not taken any action against data brokers in the last year, nor has it received any customer complaints in the past year concerning the unauthorized release of CPNI.

**SIGNED**



**DG GULATI**

**President**

**STATEMENT OF STSJ OVERSEAS TELEPHONE COMPANY, INC.  
REGARDING OPERATING PROCEDURES  
IMPLEMENTING 47 C.F.R. PART 64 SUBPART U  
GOVERNING USE OF  
CUSTOMER PROPRIETARY NETWORK INFORMATION (CPNI)  
MARCH 1, 2008**

The following statement explains how the operating procedures of STSJ Overseas Telephone Company, Inc. ("STSJ") ensures that it is in compliance with the Federal Communications Commission's ("Commission's") CPNI rules, as codified at 47 C.F.R. Part 64 Subpart U and is relevant to calendar year 2007. Except as otherwise indicated, the following applies with respect to the Commission's rules in effect both before and after the December 8, 2007 effective date of the Commission's April 2, 2007 Report and Order in CC Docket No. 96-115. See FCC 07-22 (rel. Apr. 2, 2007); Public Notice, DA 07-4915 (rel. Dec. 6, 2007). This statement covers calendar year 2007.

**I. Use of customer proprietary network information without customer approval.**

**A.** STSJ may use, disclose, or permit access to CPNI for the purpose of providing or marketing service offerings among the categories of service to which the customer already subscribes from STSJ, without customer approval.

*STSJ presently offers intra-island long distance telecommunications services to its customers in Puerto Rico.*

**B.** STSJ may not use, disclose, or permit access to CPNI to market to a customer service offerings that are within a category of service to which the subscriber does not already subscribe from STSJ, unless STSJ has customer approval to do so, except as described in Section I.C.

(1) STSJ may use, disclose or permit access to CPNI derived from their provision of local exchange service or interexchange service, without customer approval, for the provision of CPE and information services, such as call answering, voice mail or messaging, voice storage and retrieval services, and fax storage and retrieval services.

(2) STSJ may not use, disclose or permit access to CPNI to identify or track customers that call competing service providers.

*STSJ's policies and procedures do not allow such use of CPNI to identify or track customers that call competing service providers. Any request for this type of information would require STSJ's Information Technology ("IT") department to access the required data. STSJ requires that all data collection projects are approved in advance by a Director level employee or higher, and that the requesting business unit(s) engage STSJ's legal department and obtain their approval with respect to CPNI compliance prior to making any such requests from IT. Additionally, STSJ's IT department automatically sends an approval request to STSJ's legal department when it receives a request for customer information (other than "subscriber list information"). The IT department will not begin compiling any data nor will*

*the IT department release any information until approval from STSJ's legal department is received.*

C. STSJ may use, disclose, or permit access to CPNI, without customer approval, as follows:

(1) STSJ may use, disclose, or permit access to CPNI, in its provision of inside wiring installation, maintenance, and repair services.

(2) STSJ may use, disclose, or permit access to CPNI for the purpose of conducting research on the health effects of commercial mobile radio services ("CMRS").

(3) STSJ may use CPNI to market services formerly known as adjunct-to-basic services, such as, but not limited to, speed dialing, computer-provided directory assistance, call monitoring, call tracing, call blocking, call return, repeat dialing, call tracking, call waiting, caller I.D., call forwarding, and certain Centrex features.

*STSJ is in compliance with these provisions due to the previously described procedures in place for the compilation and release of customer information by its IT department.*

D. STSJ may use, disclose, or permit access to CPNI to protect STSJ's rights or property; to protect its users and other carriers from fraudulent, abusive, or unlawful use of, or subscription to, STSJ's services; and to render, provision, bill or collect for services.

*STSJ is in compliance with these provisions due to the previously described procedures in place for the compilation and release of customer information by its IT department.*

## II. Approval required for use of customer proprietary network information.

A. STSJ may obtain customer approval through written, oral or electronic methods.

*STSJ's policies and procedures allow for customer approval through written, oral or electronic methods. STSJ has not attempted to obtain customer approval to use CPNI for marketing purposes through the sign up process. Therefore, STSJ does not disclose or use such information from those customers. If, however, STSJ desired to market communications-related services outside of those services to which a customer already subscribes, or share such CPNI with its affiliates for marketing purposes, STSJ's policies and procedures require customer notices/approval campaigns be conducted with the assistance of its legal department and in accordance with the Commission's rules. Records of all such notices and approvals would be kept in accordance with the Commission's rules.*

(1) Where STSJ obtains oral approval, it bears the burden of demonstrating that such approval has been given in compliance with the Commission's rules.

*STSJ's policies and procedures provide that in the event oral approval is obtained, the following minimum information must be recorded: (a) the date and time of the call; (b) the*

*customer's name and address; (c) the specific identifying information of the customer (e.g., PIN or password); (d) affirmative approval to use CPNI.*

(2) A customer's approval or disapproval obtained by STSJ to use, disclose, or permit access to the customer's CPNI the use of CPNI outside of the customer's total service relationship with STSJ must remain in effect until the customer revokes or limits such approval or disapproval.

*STSJ's policies and procedures require that customers be advised of the procedures to revoke and/or limit such CPNI.*

(3) STSJ must maintain records of notification and approval, whether oral, written or electronic, for at least one year.

*STSJ's operating procedures comply with this requirement. STSJ would maintain records of customer approvals and CPNI notices for a period of at least one (1) year.*

**B. Use of Opt-Out and Opt-In Approval Processes.**

(1) Except where use, disclosure, or access to CPNI is otherwise permitted without prior customer (as described above), STSJ only uses, discloses or permits access to CPNI upon opt-out or opt-in approval, consistent with Section 64.2007 of the Commission's rules and, by December 8, 2007, with the Commission's amended rules.

*STSJ's policies and procedures comply with this requirement. STSJ's operating procedures generally prohibit the disclosure of CPNI for the purpose of marketing communications-related services to existing customers by its agents, joint venture partners, and independent contractors. Any exception to this rule requires written approval by a Vice President of STSJ and STSJ's General Counsel. STSJ will appoint legal counsel to work with the agent, joint venture partner and/or independent contractor to ensure the opt-in and opt-out procedures are properly followed in accordance with the Commission's rules.*

(2) Except for use and disclosure of CPNI that is permitted without customer approval under Section I, or that is described Section II.B, or as otherwise provided in Section 222 of the Communications Act of 1934, as amended, STSJ may only use, disclose, or permit access to its customer's individually identifiable CPNI subject to opt-in approval.

*STSJ's policies and procedures comply with this requirement. STSJ's training manual includes the appropriate information to ensure that the above-referenced CPNI is subject to opt-in approval only.*

### **III. Notice required for use of customer proprietary network information.**

#### **A. Notification, Generally.**

(1) Prior to any solicitation for customer approval, STSJ must provide notification to the customer of the customer's right to restrict use of, disclosure of, and access to that customer's CPNI.

(2) STSJ must maintain records of notification, whether oral, written or electronic, for at least one year.

*As described above, STSJ's operating procedures comply with these requirements.*

B. Individual notice to customers must be provided when soliciting approval to use, disclose, or permit access to customers' CPNI.

*STSJ's policies and procedures comply with this requirement. STSJ will only send notifications to individual customers, and will not communicate the notification in any blanket manner, including but not limited to posting the notification on its website.*

#### **C. Content of Notice.**

Customer notification must provide sufficient information to enable the customer to make an informed decision as to whether to permit STSJ to use, disclose, or permit access to, the customer's CPNI.

(1) The notification must state that the customer has a right, and STSJ has a duty, under federal law, to protect the confidentiality of CPNI.

(2) The notification must specify the types of information that constitute CPNI and the specific entities that will receive the CPNI, describe the purposes for which CPNI will be used, and inform the customer of his or her right to disapprove those uses, and deny or withdraw access to CPNI at any time.

(3) The notification must advise the customer of the precise steps the customer must take in order to grant or deny access to CPNI, and must clearly state that a denial of approval will not affect the provision of any services to which the customer subscribes. However, STSJ may provide a brief statement, in clear and neutral language, describing consequences directly resulting from the lack of access to CPNI.

(4) The notification must be comprehensible and must not be misleading.

(5) If written notification is provided, the notice must be clearly legible, use sufficiently large type, and be placed in an area so as to be readily apparent to a customer.

(6) If any portion of a notification is translated into another language, then all portions of the notification must be translated into that language.

(7) STSJ may state in the notification that the customer's approval to use CPNI may enhance STSJ's ability to offer products and services tailored to the customer's needs. STSJ also may state in the notification that it may be compelled to disclose CPNI to any person upon affirmative written request by the customer.

(8) STSJ may not include in the notification any statement attempting to encourage a customer to freeze third-party access to CPNI.

(9) The notification must state that any approval or denial of approval for the use of CPNI outside of the service to which the customer already subscribes from STSJ is valid until the customer affirmatively revokes or limits such approval or denial.

(10) STSJ's solicitation for approval must be proximate to the notification of a customer's CPNI rights.

*STSJ's policies and procedures comply with these requirements and specifically require that all notices contain the above-referenced information.*

#### **D. Notice Requirements Specific to Opt-Out.**

STSJ must provide notification to obtain opt-out approval through electronic or written methods, but not by oral communication (except as provided in paragraph F of this section). The contents of any such notification must comply with the requirements of paragraph C of this section.

(1) STSJ must wait a 30-day minimum period of time after giving customers notice and an opportunity to opt-out before assuming customer approval to use, disclose, or permit access to CPNI. STSJ may, in its discretion, provide for a longer period. STSJ must notify customers as to the applicable waiting period for a response before approval is assumed.

(i) In the case of an electronic form of notification, the waiting period shall begin to run from the date on which the notification was sent; and

(ii) In the case of notification by mail, the waiting period shall begin to run on the third day following the date that the notification was mailed.

(2) Insofar as STSJ is using the opt-out mechanism, it must provide a Notice to its customers every two years.

(3) If STSJ uses e-mail to provide opt-out notices, it must comply with the following requirements in addition to the requirements generally applicable to notification:

(i) STSJ must obtain express, verifiable, prior approval from consumers to send notices via e-mail regarding its service in general, or CPNI in particular;

(ii) STSJ must allow customers to reply directly to e-mails containing CPNI notices in order to opt-out;

(iii) Opt-out e-mail notices that are returned to STSJ as undeliverable must be sent to the customer in another form before STSJ may consider the customer to have received notice;

(iv) STSJ must ensure that the subject line of the message clearly and accurately identifies the subject matter of the e-mail; and

(v) STSJ must make available to every customer a method to opt-out that is of no additional cost to the customer and that is available 24 hours a day, seven days a week. STSJ may satisfy this requirement through a combination of methods, so long as all customers have the ability to opt-out at no cost and are able to effectuate that choice whenever they choose.

***STSJ's policies and procedures comply with this requirement. In the event of any opt-out campaign, the appropriate business unit(s) are required to work with STSJ's legal department to ensure the above-referenced requirements are satisfied.***

**E. Notice Requirements Specific to Opt-In.**

STSJ may provide notification to obtain opt-in approval through oral, written, or electronic methods. The contents of any such notification must comply with the requirements of paragraph C of this section.

***STSJ's policies and procedures comply with this requirement. In the event of any opt-in campaign for existing customers, STSJ's marketing department is required to work with STSJ's legal department to ensure the above-referenced requirements are satisfied.***

**F. Notice Requirements Specific to One-Time Use of CPNI.**

(1) STSJ may use oral notice to obtain limited, one-time use of CPNI for inbound and outbound customer telephone contacts for the duration of the call, regardless of whether STSJ uses opt-out or opt-in approval based on the nature of the contact.

(2) The contents of any such notification must comply with the requirements of paragraph C of this section, except that STSJ may omit any of the following notice provisions if not relevant to the limited use for which STSJ seeks CPNI:

(i) STSJ need not advise customers that if they have opted-out previously, no action is needed to maintain the opt-out election;

(ii) STSJ need not advise customers that they may share CPNI with their affiliates or third parties and need not name those entities, if the limited CPNI usage will not result in use by, or disclosure to, an affiliate or third party;



(iii) STSJ need not disclose the means by which a customer can deny or withdraw future access to CPNI, so long as STSJ explains to customers that the scope of the approval STSJ seeks is limited to one-time use; and

(iv) STSJ may omit disclosure of the precise steps a customer must take in order to grant or deny access to CPNI, as long as STSJ clearly communicates that the customer can deny access to his CPNI for the call.

*STSJ's policies and procedures comply with this requirement. In the event of any one-time use of CPNI, the appropriate business units are required to work with STSJ's legal department to ensure the above-referenced requirements are satisfied.*

#### **IV. Safeguards required for use and disclosure of customer proprietary network information.**

A. STSJ must implement a system by which the status of a customer's CPNI approval can be clearly established prior to the use of CPNI.

*Because STSJ has not obtained approvals from any of its customers, all customers have CPNI-restricted accounts. Unless, as discussed above, a one-time approval of CPNI is obtained, STSJ representatives who market using CPNI will not be able to gain access to customer information in a CPNI restricted account. As a further safeguard, STSJ's IT department has a strict policy of not releasing any customer-related information without the written approval of such release by STSJ's legal department. STSJ's legal department reviews each request for customer information that is sent to IT for compliance with applicable CPNI rules.*

B. Effective December 8, 2007, STSJ may release call detail information during a customer initiated telephone contact only if reasonable authentication procedures are complied with and (1) the customer provides STSJ with a pre-established password, (2) STSJ, at the customer's request, sends the call detail information to the customer's address of record provided the address of record has been associated with the account for at least thirty (30) days, or (3) when STSJ calls the telephone number of record to disclose the call detail information. STSJ is permitted to create a back-up customer authentication method for lost or forgotten passwords. STSJ is also prohibited from releasing call detail information during a retail visit without the appropriate password or valid photo identification.

*STSJ's policies and procedures comply with these requirements. STSJ has implemented procedures whereby it will not provide CPNI without proper customer authentication and will only provide call detail records over the phone after a password has been obtained and verified. Otherwise, it is STSJ's policy not to provide call detail records over the phone during a customer-initiated call. If the customer does not have a password, the STSJ's customer service will call the customer back at the customer's telephone number of record to authenticate the customer or send the call detail records to the customer's address of record. At the time of this filing, STSJ does not have any retail locations where call detail information can be accessed.*

C. Not later than June 8, 2008, STSJ (as a qualifying small entity) must authenticate a customer without readily available biographical or account information prior to allowing the customer on-line access to CPNI related telecommunication service account. Once authenticated, the customer may only obtain on-line access to CPNI related telecommunications service account through a password.

***To the extent online access is available to STSJ customers, we are confident that STSJ will be in compliance well before the June 8, 2008 deadline.***

D. Effective December 8, 2007, STSJ is required to notify customers immediately when a password or back-up means of authentication for lost or forgotten passwords, or address of record is created or changed. Such notification is not required when the customer initiates service, including the selection of a password.

***STSJ's policies and procedures comply with this requirement. STSJ calls the customer back at the telephone number of record as a backup method of authentication in the event the passwords are lost or forgotten.***

E. Business customers are exempt from the password requirements which became effective December 8, 2007, if: the customer is contractually bound to STSJ, is serviced by a dedicated STSJ account representative as the primary contact, and within the contract STSJ is responsible to address its CPNI obligations. If, at any point, the business customer must go through a call center to reach a customer service representative, then the exemption does not apply.

***STSJ's procedures and policies are in compliance with this requirement.***

F. STSJ must train its personnel as to when they are and are not authorized to use CPNI, and STSJ must have an express disciplinary process in place.

***STSJ's policies and procedures comply with this requirement. All STSJ employees who have access to CPNI receive training about CPNI compliance. Specifically, STSJ's Compliance Manual for Use, Disclosure and Access to Customer Proprietary Network Information (the "Compliance Manual") is used to educate employees and supplement training sessions. All STSJ employees are required to maintain the confidentiality of all information, including customer information that is obtained as a result of their employment by STSJ. Employees who do not abide by these policies or otherwise permit the unauthorized use or disclosure of CPNI will be subject to discipline, including possible termination.***

G. STSJ must maintain a record, electronically or in some other manner, of its own and its affiliates' sales and marketing campaigns that use its customers' CPNI. STSJ shall maintain a record of all instances where CPNI was disclosed or provided to third parties, or where third parties were allowed access to CPNI. The record must include a description of each campaign, the specific CPNI that was used in the campaign, and what products and services were offered as a part of the campaign. STSJ shall retain the record for a minimum of one year.

*STSJ's policies and procedures comply with this requirement. STSJ requires that its marketing department maintain such records, and its legal department maintains similar records as a back-up.*

H. STSJ must establish a supervisory review process regarding its compliance with the Commission's CPNI rules for outbound marketing situations and maintain records of its compliance for a minimum period of one year. Specifically, sales personnel must obtain supervisory approval of any proposed outbound marketing request for customer approval.

*STSJ's policies and procedures comply with this requirement. STSJ maintains a record for at least one year of its own and affiliates' sales and marketing campaigns that use STSJ customers' CPNI. STSJ has established a supervisory review process to ensure any marketing campaigns are consistent with the Commission's CPNI rules. This process includes an initial approval by the officer of STSJ who is responsible for approving any proposed outbound marketing requests, required involvement by STSJ's legal department and periodic audit or monitoring of all ongoing marketing campaigns to ensure that customer accounts and information are being accessed properly by the employees and consistent with STSJ's CPNI policies.*

I. Effective December 8, 2007, STSJ must take reasonable measures to discover and protect against attempts to gain unauthorized access to CPNI, which may include encryption of its databases. STSJ must properly authenticate a customer prior to disclosing CPNI based on a customer-initiated telephone contact, on-line account access, or an in-store visit.

STSJ must take measures to protect CPNI stored in its internal databases from potential unauthorized access, and evaluate and increase its security measures should it discover an increase in attempts to gain access to unauthorized information.

*STSJ's policies and procedures comply with this requirement. STSJ's IT department does not discriminate amongst type of customer information stored in its databases, thus all information, including CPNI, is protected from unauthorized access.*

J. STSJ must provide written notice within five business days to the Commission of any instance where the opt-out mechanisms do not work properly, to such a degree that consumers' inability to opt-out is more than an anomaly.

(1) The notice shall be in the form of a letter, and shall include STSJ's name, a description of the opt-out mechanism(s) used, the problem(s) experienced, the remedy proposed and when it will be/was implemented, whether the relevant state commission(s) has been notified and whether it has taken any action, a copy of the notice provided to customers, and contact information.

(2) Such notice must be submitted even if STSJ offers other methods by which consumers may opt-out.

*STSJ's policies and procedures comply with this requirement. STSJ has in place procedures to ensure that it will provide written notice to the Commission within five business*

*days of any instance where its opt-out mechanisms do not work properly to such a degree that its customers' inability to opt-out is more than an anomaly. These procedures ensure that the notice will be in the form of a letter, and will include the information described above. STSJ will submit the above letter even if it offers other methods by which its customers may opt-out.*

K. Effective December 8, 2007, STSJ has a general duty to first inform federal law enforcement agencies, followed up by notification to affected customers, after reasonable determination of a breach of its customers' CPNI.

(1) STSJ must file an electronic notification to the United States Secret Service (USSS) and the Federal Bureau of Investigation (FBI) within seven (7) business days through the central reporting facility furnished by the Commission.

(2) STSJ is prohibited from notifying customers' or the general public of the breach until seven (7) business days have passed after notification to the USSS and FBI unless under certain specified circumstances: (a) STSJ identifies an "extraordinary need to notify customers" before that period or (b) An ongoing or potential investigation or national security requires customer disclosure to be potentially delayed for up to thirty (30) days. STSJ must notify the affected customer(s) after the applicable period.

(3) STSJ must maintain a record, whether electronically or in some other manner of any breaches discovered, notifications made to the USSS or FBI and notifications made to customers. The record must include, if available, dates of discovery and notification, a detailed description of the CPNI that was the subject of the breach, and the circumstances of the breach. Records must be maintained for a two (2) year period.

*STSJ's policies and procedures comply with this requirement. STSJ has implemented procedures to provide law enforcement with notice should a breach of CPNI occur. STSJ's Information Security ("INFOSEC") department has procedures in place to immediately notify STSJ's legal department of any breaches of customer information. STSJ's legal department then will contact the responsible individuals in the INFOSEC department to determine if such information involves CPNI. Upon reasonable determination of a breach of CPNI, STSJ will notify the appropriate law enforcement authorities in accordance with the Commission's rules, and unless directed otherwise, STSJ will notify affected customers. STSJ will maintain a record of any CPNI-related breaches for a period of at least two (2) years.*

## V. Supplemental Information

Effective December 8, 2007, the Commission's rules require that the annual certification filed pursuant to 47 C.F.R. § 64.2009(e) disclose any actions taken against data brokers and a summary of all consumer complaints received in the previous calendar year regarding the unauthorized release of CPNI. A list of actions taken against data brokers (if any) during the prior calendar year, as well as a summary of all consumer complaints received in that period, are attached as Exhibit A, together with information regarding pretexters' processes for attempting to access CPNI and steps taken to protect CPNI from pretexters.

## **EXHIBIT A**

### **ACTIONS TAKEN AGAINST DATA BROKERS IN 2007 BY STSJ OVERSEAS TELEPHONE COMPANY, INC.**

<b>Forum</b>	<b>Description of Action(s)</b>
Court	None
State Commission	None
FCC	None

### **SUMMARY OF CUSTOMER COMPLAINTS CONCERNING UNAUTHORIZED RELEASE OF CPNI IN 2007**

<b>Nature of Complaint</b>	<b>Total Number</b>
Improper Access by Employees	None
Improper Disclosure to Unauthorized Individuals	None
Improper Access to Online Information by Unauthorized Individuals	None
Other	None

### **PRETEXTERS' ATTEMPTS TO ACCESS CPNI AND STEPS TO PROTECT CPNI FROM PRETEXTERS**

STSJ has no additional information beyond what has already been reported to the Commission and to Congress with respect to pretexters' practices. As reported in the foregoing statement, STSJ has timely achieved compliance with the Commission's rules adopted in its April 2007 Order.